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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
ARTISAN MANUFACTURING CORPORATION, :

Plaintiff, :

- against - :

ALL GRANITE & MARBLE CORPORATION., :

Defendant. :

Civil Action No.: 07 CV 11278

----- X
**DECLARATION OF JOHN MALTBIE IN FURTHER SUPPORT OF PLAINTIFFS'
MOTION FOR A PRELIMINARY INJUNCTION**

EXHIBIT K

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ARTISAN MANUFACTURING
CORPORATION,

Plaintiff,

vs.

ALL GRANITE & MARBLE
CORPORATION,

Defendant.

07-cv-11278 (WHP)

CONFIDENTIAL - ATTORNEYS' EYES ONLY
DEPOSITION OF ROBERT DEJA
Parsippany, New Jersey
Monday, February 11, 2008

Reported by:

FRANCIS X. FREDERICK, CSR, RPR, RMR
JOB NO. 15245B

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February 11, 2008
1:14 p.m.

Confidential deposition of ROBERT DEJA, held at the offices of Hoffmann & Baron, 6 Campus Drive, Parsippany, New Jersey, pursuant to Notice, before Francis X. Frederick, a Certified Shorthand Reporter, Registered Merit Reporter and Notary Public of the States of New York and New Jersey.

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APPEARANCES:

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R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
ROBERT DEJA, called as a witness, having been duly sworn by a Notary Public, was examined and testified as follows:

EXAMINATION BY

MR. MALTBIE:

Q. Good afternoon. My name is John Maltbie. I'm an attorney with Arnold & Porter. My firm represents the plaintiff, Artisan Manufacturing Corporation, the manufacturer and distributor of Artisan brand sinks, in connection with a lawsuit that has been filed against All Granite & Marble Corporation.

Mr. — is it Deja?

A. That is correct.

Q. We met before but if you could please state your full name and address for the record I'd appreciate it.

A. Robert Deja. 15 Maple Lake Road, Kinnelon, New Jersey, 07405.

Q. Mr. Deja, prior to today have you ever been deposed or given testimony in a court proceeding or legal matter?

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A. No.

Q. I'm just going to set forth some of the ground rules that we should follow and hopefully it will speed things along today.

I'll be asking you a series of questions regarding your knowledge of the facts and circumstances concerning All Granite's promotion and use of sinks in connection with its countertop installation services. It's your obligation to answer my questions truthfully and to the best of your ability.

Do you understand that?

A. That is correct, yes.

Q. In the event you do not understand a question that I've asked please let me know and I will try to rephrase it. Is that okay?

A. Um-hum.

Q. And if you need to have a question repeated please let me know and we can have the reporter read it back for you. Is that okay?

A. Yes.

Q. As I just mentioned, we have a

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2 court reporter here today who's taking down
3 all of my questions and all of your answers.
4 In order for that to proceed smoothly there's
5 a couple things we should keep in mind. The
6 first is please remember when you answer me to
7 answer verbally. The reporter can't take down
8 a nod or shake of the head.

9 Is that understood?

10 A. Okay.

11 Q. And then as we go along please
12 wait for me to finish my questions before you
13 begin your answer and, likewise, I'll wait for
14 your answer before I start my next question.

15 A. Okay.

16 Q. If you want to take a break at any
17 time please let me know and we can do so. I
18 only ask that you not ask to take a break
19 while a question is pending. Is that okay?

20 A. Okay.

21 MR. CHIDO: Mr. Maltbie, before
22 we begin, I would just like to designate
23 Mr. Deja's deposition today as
24 confidential, attorneys' eyes only, and
25 then once we get the transcript we'll go

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2 Q. And is that in Poland?

3 A. Yes.

4 Q. Have you attended any schooling
5 here in the United States?

6 A. Yes.

7 Q. What have you -

8 A. That was Bergen Community College.

9 Q. Did you obtain any sort of degree?

10 A. No. I stopped. I was doing some
11 classes there just to get familiarized with
12 the language.

13 Q. Well, that brings me to my next
14 question. Do you feel comfortable answering
15 my questions today in English?

16 A. Yes, I do.

17 Q. Mr. Deja, now you understand that
18 you're here today to testify on behalf of All
19 Granite & Marble Corporation?

20 A. Yes, I do.

21 Q. And is it true that you've been
22 the main contact with respect to this
23 litigation?

24 A. That is correct.

25 Q. Now, other than your attorneys,

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2 through and designate things and
3 dedesignate things as we go along. Is
4 that okay?

5 MR. MALTBIIE: That's fine.

6 MR. CHIDO: Okay.

7 BY MR. MALTBIIE:

8 Q. Mr. Deja, is there any reason why
9 you would not be able to testify truthfully
10 today?

11 A. No.

12 Q. And I just want to clarify an
13 issue with respect to language. Is it correct
14 to say that English is not your first
15 language?

16 A. That is correct.

17 Q. And how long have you been in the
18 United States?

19 A. Eight years.

20 Q. And what is the highest level of
21 schooling that you have completed?

22 A. I have master's.

23 Q. And where did you obtain that
24 master's degree?

25 A. Jagiellonian University of Law.

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2 did you speak with anyone regarding your
3 testimony here today?

4 A. Testimony, no.

5 Q. Have you spoken to anyone
6 regarding the facts and circumstances
7 surrounding this case as you understood them?

8 A. Yes. In a way.

9 Q. Who have you spoken to?

10 A. I talked to my sales
11 representatives. I let them know that they're
12 going to be deposed. Chris and Peter their
13 names are. And they've been deposed. I
14 talked to Alex.

15 Q. Anybody else?

16 A. I talked to my boss.

17 Q. And who is that?

18 A. Jaroslaw Wojtach. He's the owner
19 of the company.

20 Q. And what did you discuss with
21 Mr. - is it Wojtach?

22 A. Wojtach.

23 Q. Wojtach.

24 A. Wojtach.

25 I notified him that we're being

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2 sued basically and I'm in the middle of
3 negotiations. And, basically -- and a little
4 bit about the circumstances, what the
5 litigation is about. He delivered me the
6 papers that we've been sued -- they were
7 delivered to our main office in Ridgely
8 Park.

9 Q. Okay. And what did you speak
10 about with Chris and Peter?

11 A. I let them know that they're going
12 to be deposed.

13 Q. Anything else?

14 A. No. Not really. That's about --
15 Artisan sinks matter.

16 Q. And what did you speak about with
17 Alex?

18 A. Pretty much the same.

19 Q. Anyone else that you spoke to?

20 A. No, not really. Not personally.

21 Q. What does that -- not
22 personally? Is that --

23 A. I know that people are talking. I
24 know that Alex has been talking to Chris a
25 little bit.

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2 Q. Right.

3 A. But that's pretty much it, you
4 know.

5 Q. Now, were you involved in the
6 collection of any documents relating to this
7 lawsuit?

8 A. Yes.

9 Q. And who asked you to collect
10 documents?

11 A. My lawyers.

12 Q. And do you recall when they asked
13 you?

14 A. Hum. Not exactly. Not exactly.
15 During the litigation basically. When we
16 started the whole process. But I cannot
17 remember the exact date if that's what you are
18 asking.

19 Q. I'll represent to you that a cease
20 and desist letter was sent to All Granite on
21 December 14th of 2007. Do you recall when you
22 first received notice of that cease and desist
23 letter?

24 A. No, no. I cannot recall. The
25 first document that I saw was the actual

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2 paperwork that was filed but not registered
3 with the court yet.

4 Q. Okay.

5 A. That was the first thing that I
6 recall.

7 Q. And do you recall what you did
8 when you learned about those papers?

9 A. Yes.

10 Q. What did you do?

11 A. I called Lou Budzyn from that law
12 firm.

13 Q. From Hoffman & Baron?

14 A. From Hoffman & Baron, yes. And I
15 let them know.

16 Q. And then, as far as you know, Mr.
17 Budzyn responded to the cease and desist
18 letter?

19 A. That is correct. Yes. I visited
20 his office on the next day. And after we
21 received the documents Lou was very
22 accommodating and was able to meet me on the
23 next day in the morning. And we discussed the
24 reply. And the letter was sent I believe the
25 same day or the next day. It was all before

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2 Christmas so we wanted to reply to it
3 immediately. That's why we attended to it
4 quickly.

5 Q. And in terms of reply, do you
6 recall what the response was?

7 A. Well, I believe we addressed each
8 of the issues with our, you know, our best
9 intentions how to approach the issue. We
10 requested the phase-out period for the sinks.
11 We told in the letter that we're not going to
12 be distributing them anymore. What else?

13 Well, we tried to address every
14 issue to work it out basically.

15 Q. And do you recall -- well, let me
16 step back.

17 In this period before Christmas,
18 were you aware at that time that there was an
19 Artisan sink on display in the South
20 Plainfield showroom?

21 A. No.

22 Q. When did you learn that there was
23 an Artisan sink on display in South
24 Plainfield?

25 A. I do not remember the exact date.

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 2 But I think it was after we received the
 3 papers from the court that the case was
 4 actually filed in a court. And we were a
 5 little bit taken aback because instead of
 6 getting the case that was notified with the
 7 court we were expecting to get a reply from
 8 our letter. Then I called Lou and the things
 9 started acting very quickly. And I think it
 10 was Wednesday or Thursday in the evening when
 11 we'd been working with Lou to see what
 12 happened. I received a phone call from Lou
 13 saying am I sure that there is no sink,
 14 Artisan sink on a display. And I said, yes,
 15 I'm sure. Because I just talked to another
 16 attorney and he said there is a sink. So can
 17 you double-check it for me. I said right
 18 away. It was 7 p.m. but I called up the
 19 showrooms and I left a message for Alex. I
 20 guess in the morning on the next day he called
 21 me back and I learned that there isn't -- I
 22 actually talked to Blaze at that time I think.
 23 I told him to actually go to the sink display
 24 and look at the actual logos and check whether
 25 there is a sink. I learned that there is a

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 2 different, that we're not going to have a
 3 problem resolving the case. That's why we
 4 didn't -- that's pretty much it. That's why I
 5 met with Lou and proceeded with the
 6 negotiations.
 7 Q. Did there come a point later in
 8 time, say after New Year's, where you came to
 9 understand that Artisan was also alleging that
 10 All Granite salespeople were telling consumers
 11 that they would be able to receive Artisan
 12 sinks?
 13 A. Yes. At some point I believe when
 14 we received the documents regarding the
 15 investigator's report, um-hum.
 16 Q. And did you undertake any
 17 investigation or look into that allegation?
 18 A. Yes.
 19 Q. And what did you do?
 20 A. Basically I talked to people and
 21 we placed a memorandum. I sent it over to the
 22 showrooms, Ridgefield Park, South Plainfield
 23 and Stroudsburg. So they could read it. They
 24 could get familiar with it and post it on the
 25 wall.

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 2 sink. I ordered immediate removal of the sink
 3 that followed same hour.
 4 Q. And do you know what has happened
 5 to that sink since then?
 6 A. I think it's in our warehouse.
 7 Lou told us that from the beginning of the
 8 litigation we cannot throw any documents and
 9 so everything we saved it and it's kept in the
 10 warehouse I think.
 11 Q. Now, in this -- let's take sort of
 12 the pre New Year's period I guess.
 13 A. Um-hum.
 14 Q. Did you understand from Artisan's
 15 initial letter that they were also alleging
 16 that All Granite salespeople were telling the
 17 customers that they would be able to obtain
 18 Artisan sinks from All Granite?
 19 A. No. I can't recall the letter but
 20 I was looking at the papers and the main thing
 21 that I kind of focused was the logo. That
 22 was -- in my opinion at that time that was
 23 like the most important issue, the similarity
 24 that you raised. And I thought that since our
 25 logo resembles a crown and was to my eyes

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 2 Q. I show you what's previously been
 3 marked as Plaintiff's Exhibit 2.
 4 Mr. Deja, could you tell me if
 5 this the memorandum to which you were just
 6 referring?
 7 A. Yes. Yes, it is.
 8 Q. This is dated February 4, 2008.
 9 Do you see that?
 10 A. February 4th, correct. Um-hum.
 11 Q. Do you recall if that was the
 12 actual date that this memorandum was written
 13 and distributed?
 14 A. I have to look at my calendar.
 15 February 4th. One second.
 16 (Pause on the record.)
 17 A. It was definitely the date it was
 18 written. And it was -- yeah, since it's
 19 Monday, I think that's the date. Um-hum.
 20 Yeah. The Monday I sent it over, faxed it
 21 over to all the showrooms. I remember it
 22 being Monday. I wasn't remember February 4th,
 23 Monday.
 24 Q. Okay. So was this the first
 25 communication that you had with All Granite

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salespeople with respect to the Artisan issue?

A. Monday? I think I talked with them before. Just asking -- making sure whether they know anything about mentioning Artisan sinks in their showroom. I think it was before that.

Q. And do you recall who you spoke to?

A. I spoke to Peter. And I spoke to Chris.

Q. Did you speak to anybody else?

A. Not really. Because at that time I knew that they were involved in that report. And Alex as well.

Q. So between, say New Year's, January 1st, 2008, and February 4th, 2008, besides speaking to Chris, Peter and Alex, did you do anything else with respect to your investigation or examination of whether All Granite salespeople were telling consumers that Artisan sinks could be installed in their homes?

A. I talked to the sales office manager in Ridgefield Park. I checked the

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offices in South Plainfield, Ridgefield Park and also ordered to check the offices in Stroudsburg, Pennsylvania for any literature that may be connected to the case like advertising material, promotional materials, to make sure that we do not have anything with the Artisan name on it displayed. And I was looking for documents pertaining to the case. Invoices, Artisan invoices that we've been buying things from them. And then our invoices for the sinks that we been importing.

Q. And who is the Ridgefield Park sales manager?

A. Thomas Wolosik.

Q. Could you spell that, please?

A. Sure. Thomas, T-H-O-M-A-S. W-O-L-O-S-I-K.

Q. Thank you.

And with respect to the issue of whether All Granite salespeople were telling customers that they could receive an Artisan sink, did you reach any conclusion?

A. Yes.

Q. And what was --

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A. Well, basically the conclusion was that we've been -- that salespeople were not telling customers that they could get an Artisan sink.

Q. So you didn't find any evidence to support Artisan's allegations; is that correct?

A. Yes. Yes.

Q. I jumped ahead a little bit. Let's step back just for a second.

A. Um-hum.

Q. So you mentioned that you were also involved in looking for documents; is that correct?

A. Correct.

Q. Okay. And did you in fact collect documents related to this case?

A. Yes.

Q. And where did you look for the documents?

A. Well, if it comes to the literature pertaining to advertising and promoting Artisan materials I was looking in the sales office, meaning I took a tour within

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the office to look at the walls and the actual brochure stands to see if there is anything displayed in the office for the customer to see. And then I checked at the actual desks myself. And in South Plainfield the desks were also checked with the help of Blaze and Lucas.

Q. And who is Blaze?

A. Blaze is our warehouse manager. I mean, he takes care of the warehouse. And Lucas is his brother. And they both take care of the warehouse and take care of the supplies.

Q. Is it correct to say Blaze and Lucas are related to the owner of the company?

A. Yes.

Q. Are they sons --

A. They're cousins.

Q. Cousins.

In terms of your search for documents, did you only look for hard copy documents?

A. No. I was actually looking on the computer system as well. The laptop.

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2 Q. And do you use e-mail in
3 connection with your business?

4 A. Yes.

5 Q. And did you search your e-mails?

6 A. Yes.

7 Q. Did you search anyone else's
8 e-mails, the company's e-mails?

9 A. Well, I basically looked it up
10 through server. But we didn't find anything I
11 don't believe. I checked my laptop and on my
12 laptop there was nothing.

13 Q. And how did you search? Did you
14 use a search term or --

15 A. Yes.

16 Q. What search term did you use?

17 A. Artisan.

18 Q. And do you recall finding any
19 e-mails?

20 A. No.

21 Q. And what did you do with the
22 documents that you had collected?

23 A. I forwarded it to them.

24 Q. Do you know if any other All
25 Granite employees were asked to search for

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2 Q. How long have you been with All
3 Granite?

4 A. Since April 2001.

5 Q. April 2001?

6 A. Um-hum.

7 Q. And do you know when All Granite
8 started as a company?

9 A. I'm not sure exactly but it was
10 couple of years earlier.

11 Q. And what is your position with All
12 Granite?

13 A. I'm general manager.

14 Q. And what sort of duties and
15 responsibilities does that include?

16 A. Well, I mainly act as a marketing
17 manager so I directly take care of marketing
18 for the company.

19 And also I oversee the safety
20 issues in the company, training sessions, OSHA
21 inspections, legal issues. I'm overseeing
22 real estate purchases.

23 And generally taking care of the
24 development of the company.

25 Q. And would the marketing include

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2 documents in response to Artisan's requests?

3 A. Yes. I ordered to look through
4 the desks and through the showroom in South
5 Plainfield. As I said Lucas and Blaze were
6 involved. I talked to Martin, our import
7 manager, to look for the invoices, and to the
8 bookkeeper to look for invoices.

9 So they pretty much delivered the
10 invoices that we had on file to me. I didn't
11 find personally invoices for import because I
12 don't have access to that file.

13 Q. And did you review any documents
14 in preparation for your testimony here today?

15 A. Yes.

16 Q. What documents did you review?

17 A. Pretty much most of the documents
18 that I gathered and the documents that were --
19 that I was allowed to see from my lawyers.

20 Q. You're talking about documents
21 produced by Artisan; is that accurate?

22 A. Yes.

23 Q. Mr. Deja, you're currently an
24 employee of All Granite?

25 A. That is correct.

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2 marketing and sale over the Internet?

3 A. Yes. Sale over the Internet. We
4 coordinate that, so to speak. We create the
5 websites, commercial websites, and then we
6 direct the sales through some other sources.

7 Actually, Blaze and Lucas in South
8 Plainfield, they take care of the sales from
9 our Internet tool store. We sell tools for
10 granite and marble fabricators and they pretty
11 much take whatever is -- the orders, they put
12 it into package and send it over to the owner.
13 But we kind of coordinate that from the
14 software standpoint.

15 Q. And when you first began working
16 for All Granite were you involved in marketing
17 at that point or something else?

18 A. Lots of things. I started in the
19 office. I was the first person in the office
20 so I organized sales department. I organized
21 the scheduling for the installers. Created
22 import department pretty much all the
23 divisions for the company.

24 Q. So when you say you were the first
25 one in the office, are you referring to a

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2 **specific office?**

3 A. Ridgefield Park office. The first
4 facility was the one in Ridgefield Park.
5 That's the main office, main facility.

6 **Q. Okay. So prior to your arrival at**
7 **All Granite what was the nature of its**
8 **business?**

9 A. It was granite and marble
10 countertop fabrication. The company was just
11 smaller.

12 **Q. Did it have a showroom or a --**

13 A. Yes. Well, the office where you
14 could show the customers samples of the stone,
15 samples of the edges, and take care of the
16 estimates. And then we started importing
17 slabs and we started showing people around
18 through the yard to see the actual slabs of
19 the material.

20 **Q. And prior to the importation of**
21 **slabs by All Granite, how did All Granite**
22 **obtain its slabs?**

23 A. They would buy it from the
24 wholesalers. AGM. European. These are big
25 wholesalers in the area. In other words,

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2 warehouses selling slabs. That's their main
3 business, to resell slabs. They don't do
4 fabrication. They're just supplying the raw
5 material.

6 **Q. And does All Granite today still**
7 **purchase any slabs from these wholesalers?**

8 A. On very rare occasions. Right now
9 we have in stock over 1,000 unique granite
10 colors. So that's a lot. We very rarely need
11 to go out and search for a color.

12 **Q. And that's in -- now, there are**
13 **three locations for All Granite?**

14 A. Three facilities, correct.

15 **Q. And the thousand unique granite**
16 **colors are across the three --**

17 A. Across the -- yeah. 1,000 colors
18 as a whole company.

19 **Q. And where are the various**
20 **locations of All Granite?**

21 A. The first one as I mentioned is in
22 Ridgefield Park. 1a Mount Vernon Street in
23 Ridgefield Park. The other is South
24 Plainfield location, 5001 Hadley Road. And
25 one more in Pennsylvania, Stroudsburg. 70

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2 **Storm Street.**

3 **Q. And Ridgefield Park is the oldest**
4 **of the showrooms?**

5 A. That's correct.

6 **Q. And it goes back to 2001 or**
7 **sometime --**

8 A. Maybe even further. 2000.

9 **Q. And when was South Plainfield,**
10 **when was that established?**

11 A. Two years ago.

12 **Q. Two years ago?**

13 A. Two years ago.

14 **Q. So 2005 or --**

15 A. I would say 2005/2006. We started
16 in 2005. But we had to do some remodeling
17 inside so it was mostly construction. And
18 then we launched the showroom in early 2006.

19 **Q. And Stroudsburg, Pennsylvania, how**
20 **long has that been around?**

21 A. Almost two years.

22 **Q. Two years as well?**

23 A. Um-hum.

24 **Q. And are the locations basically**
25 **the same in terms of layout and format?**

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2 A. No. They're all different.

3 **Q. Can you take me through the**
4 **differences of the three locations?**

5 A. Um-hum. Ridgefield Park location
6 has a small office. One-story building. The
7 customer may walk in ground level. Very small
8 foyer. And then one, two, three, four, five,
9 six, seven desks. The space is pretty small.
10 To the back of the showroom there is a wall
11 filled with granite samples. These are actual
12 slab samples cut off the real slabs. They're
13 displayed on the wall. And there is also a
14 production office that's adjacent to the sales
15 office. Five people sitting in the production
16 office. It's the oldest facility so the
17 accommodations are not as spacious as the
18 South Plainfield. South Plainfield has a big
19 showroom.

20 **Q. Right.**

21 A. Probably about 5,000 square feet.
22 Very modern operation. The -- everything is
23 stored inside in South Plainfield. So there
24 are cranes installed to help transport
25 material safely to the bridge saws. A

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2 lighting system to light up the materials
3 properly.

4 In Ridgefield Park everything is
5 outside. The slabs are arranged pretty much
6 the same way. They're in rows on the
7 A-frames. The row numbers are physically --
8 the A-frames are numbered starting with a row
9 number so we know exactly how to identify the
10 stone going by the A-frame numbers. We don't
11 use names for the stones. We use symbols
12 because different quarries, they use similar
13 names and sometimes we were getting material
14 from two different quarries, completely
15 different looking and with the same name. So
16 we started using -- since it was confusing,
17 we started using the symbols.

18 Q. When you say symbols do you mean,
19 like, numbers or --

20 A. Numbers.

21 Q. Numbers.

22 A. Right. The name of the stone, the
23 symbol pertains to the location of the stone
24 to our yard. Number 1 in front of the symbol
25 means that it's the Ridgefield Park location.

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 polish, or do the cutouts for the sinks and
3 drill the holes for the faucets.

4 Q. With respect to sales does any one
5 particular office account for a larger
6 percentage of sales than the others?

7 A. Ridgefield Park location.

8 Q. Is still the largest --

9 A. Is the largest, correct. That's
10 the oldest location. And it's, you know, like
11 the middle of Bergen County. We serve
12 Rockland County, we serve Westchester County,
13 Connecticut, and Morris County, parts of
14 Morris County, Passaic County out of
15 Ridgefield location. The density of the
16 population and the fact that we've been there
17 for a long time contributes to the sales
18 number.

19 Q. Mr. Deja, did you ever have a
20 responsibility as a salesperson at All
21 Granite?

22 A. Yes.

23 Q. And when was that?

24 A. Back in 2001. I actually created
25 the sales department. So I started hiring

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 Then the row number. Let's say 2. And then
3 the A-frame number, 23. And then the A-frames
4 are constructed so that the material can stay
5 on the left-hand side or the right-hand side
6 of the A-frame. Hence you have 1122R and
7 that's the name of the material. That's the
8 symbol that we describe the material.

9 Q. And if you briefly just outline
10 for me how the Stroudsburg location is set up.

11 A. Similar to Ridgefield Park
12 location. Small sales office. Small showroom
13 with the sample board. And maybe four desks.
14 And the yard filled with stone.

15 Q. An outside yard?

16 A. Outside yard. Correct. And
17 obviously in all three facilities there is a
18 fabrication section where the actual process
19 takes place. There is a space dedicated to
20 the bridge saws. The process starts with
21 cutting the granite on the bridge saw. Then
22 the shape is being transported to the C&C
23 department and they curve the actual edges and
24 then do the manual fabrication department
25 where they polish the edges, do the final

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 people. I did the training.

3 Q. Were you responsible for the
4 computer system, the database?

5 A. Partially.

6 Q. Who else was involved in that?

7 A. Well, we actually -- to create
8 that -- I was overseeing so to speak that
9 implementation from All Granite perspective.

10 Q. So is it true to say that there
11 was a third-party contractor who come in to
12 create that for you?

13 A. We ordered creation of that system
14 with another company. Front Link Studios.
15 And they created that for us.

16 Q. And how long would you say you
17 were responsible for handling sales at All
18 Granite?

19 A. Two, three years. Well, maybe two
20 years. I organized each and every department
21 in the company. So I was handling services.
22 I was handling production. I was handling
23 scheduling for the installers. And when I
24 knew that there is that person able to do it
25 on his own independently I kind of left the

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 department for the future development. And,
3 you know, my people were taking care of -- you
4 know, of that from that point. Import manager
5 department as well. So you may say that I've
6 been in sales, service, marketing and
7 importing for, you know, number of years.

8 **Q. Right.**

9 A. A little bit here, a little bit
10 there. Right now I'm pretty much dedicating
11 my time to marketing and all the legal stuff,
12 all the -- you know, the company increased in
13 size so it's a lot of things, different things
14 to take care of.

15 **Q. You mentioned earlier that you**
16 **have a master's from -- is it a law school in**
17 **Poland?**

18 A. Law school, correct.

19 **Q. And that is legal training?**

20 A. Yes.

21 **Q. The equivalent of going to law**
22 **school here in the US?**

23 A. Correct. A little bit more.

24 Because it's five years and then you have to
25 take master's at the end of it. So we take

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 bar exam at the end. But I came over here
3 before I take the bar exam in Poland.

4 **Q. So just on the sales issue, I**
5 **mean, when was the last time you met with a**
6 **customer, for example, and sort of took them**
7 **through -- either did an estimate for them or**
8 **took them through the sale?**

9 A. Oh, from a sales perspective maybe
10 three years ago, four years ago. That was
11 probably -- yeah, four years ago. I don't
12 remember honestly.

13 **Q. And how long have you held the**
14 **title marketing manager?**

15 A. It was two years, three years.

16 **Q. Was there any title you held**
17 **before that? Any specific title?**

18 A. Production manager. Depending
19 which department I was at, you know. Kind of
20 like do it all. And I didn't glue titles to
21 me.

22 **Q. Would it be safe to say that sort**
23 **of -- does everyone in the company report to**
24 **you or are there specific people that report**
25 **to you?**

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 A. My managers, pretty much. The
3 managers of the locations. The marketing -- I
4 mean, the import manager. And pretty much,
5 yes, you could say so.

6 **Q. So in terms of let's say South**
7 **Plainfield, would Alex as the general manager**
8 **of the store report to you?**

9 A. Yes, correct.

10 **Q. And who else there would report to**
11 **you directly?**

12 A. Directly maybe Blaze and Lucas
13 because they have certain independent duties.
14 Not directly involving sales. And that is why
15 I talk to them if I need to know whether there
16 is something in the warehouse that I need. I
17 talk to them. They report to me in terms of
18 the on-line tool store about the orders.

19 **Q. And how about Ridgefield Park?**

20 A. Same thing. The production
21 manager. Service manager. Import manager and
22 sales office managers, they all report to me.

23 **Q. Is there one import manager for**
24 **the company or --**

25 A. One import manager for the

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 company.

3 **Q. And who is that?**

4 A. Martin Sliwa.

5 **Q. And Stroudsburg the same thing?**

6 A. Right.

7 **Q. Production, service and imports?**

8 A. Um-hum.

9 **Q. Are basically the categories that**
10 **you deal with?**

11 A. Yes.

12 **Q. And where do you presently work?**
13 **What's your office location?**

14 A. 51 Austin Street in Ridgefield
15 Park, New Jersey.

16 **Q. And is that a commercial building**
17 **or a residential building?**

18 A. Residential building.

19 **Q. Is that someone's home?**

20 A. We rent a space. It's like a

21 two-family house and we rent the space on the
22 second floor, four bedrooms, and we created an
23 office in there. We just wanted to have
24 something close to our main office in
25 Ridgefield Park and there are not too many

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
 2 commercial -- smaller commercial buildings
 3 available on the market, so we just rent there
 4 temporarily because we just purchased a larger
 5 building that we're retrofitting and creating
 6 marketing offices in there. But for the time
 7 being we're in the residential house.

8 Q. Okay. And how far away is that
 9 from the Ridgefield Park office?

10 A. It's like three minutes away.

11 Q. And how many employees work out of
 12 that location?

13 A. Currently six.

14 Q. And can you name those people for
 15 me?

16 A. Sure. Walter Siewior.

17 Q. What does Walter do?

18 A. He's our BU editor.

19 Q. BU editor?

20 A. Les Truchel. T-R-U-C-H-E-L.

21 Q. What does Les do for you?

22 A. Les is a graphic designer.

23 Q. Who else?

24 A. Then we have Arthur Glazowski.

25 Q. What does Arthur do?

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
 2 guy is just -- he's in Poland and he's like
 3 frequently in the company on the basis of, you
 4 know, if we have a job for him we send it
 5 over. He's Internet specialist. Creates the
 6 websites and stuff.

7 Q. Is that it?

8 A. That's it.

9 Q. How many salespeople are located
 10 in South Plainfield?

11 A. In South Plainfield, hum.

12 Seven including Blaze and Lucas.
 13 They're not directly sales but they help out
 14 sometimes if there is a need and there are
 15 lots of customers, especially on Saturdays
 16 they help out. So I would say seven.

17 Q. And how about Ridgefield Park?

18 A. I think around ten.

19 Q. And Stroudsburg?

20 A. Three.

21 Q. And how are your salespeople
 22 compensated? Are they -- is it straight
 23 salary, salary plus commission, or commission
 24 only?

25 A. Straight salary.

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 A. Search engine optimization of our
 3 website.

4 Q. Who else?

5 A. Michal Socha. Michael Socha.
 6 S-O-C-H-A.

7 Q. And what does Michael do?

8 A. He is a software engineer. He
 9 creates websites for us. He mostly works on
 10 slab market and on-line tool store.

11 Q. Okay.

12 A. And then we have Mark. He's so
 13 quiet I always keep forget his last name.

14 Q. It's okay. We can come back to it
 15 if --

16 A. I forgot.

17 Q. We can fill it in later.

18 And what does Mark do for you?

19 A. He's help with the search engine
 20 optimization. He's filling out the
 21 catalogues. Mostly manual tedious job.

22 Q. And is the sixth person yourself
 23 or is there someone else?

24 A. And there is -- well, actually,
 25 that would be it pretty much because the other

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
 2 Q. Are there any awards or incentives
 3 for salespeople?

4 A. Not really.

5 Q. And are you also compensated by
 6 just straight salary?

7 A. Yes.

8 Q. As part of your responsibilities,
 9 are you responsible for keeping track of
 10 overall sales across the company in terms of
 11 number of installations, for example?

12 A. Yes. Pretty much. Yes. Well,
 13 what I do, I check those data because I need
 14 to know how our marketing strategy -- in what
 15 way has it impact on sales, so I'm kind of
 16 following the numbers just to make sure that
 17 our marketing moves are right. And then
 18 tweaking the campaigns accordingly.

19 Q. Is there someone at the company
 20 who is responsible for tracking sales or
 21 tracking the financial performance of the
 22 company?

23 A. Oh, no. That would be me. The
 24 bookkeeper just does the billings and that
 25 would be pretty much it.

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 Q. Do you know how many -- let's take
3 South Plainfield, for example.

4 A. Um-hum.

5 Q. How many customers a typical
6 salesperson would assist on a given weekday?

7 A. On a weekday.

8 Q. Weekday.

9 A. Weekday, okay. That may be from
10 ten to 20 customers. Depending on the day.

11 Q. And on the weekend it's something
12 more than that?

13 A. On the weekend, yes. On the
14 weekend it's very more.

15 Q. Any estimate as to how many more?

16 A. Maybe 30. You know, it depends.
17 I mean, it depends on the weekend. Sometimes
18 we really have so many customers on the
19 weekend that we have to send the customers
20 without the actual help of a salesperson and
21 one salesperson is taking care of four or five
22 people at the same time kind of like jumping
23 around. So it's kind of hard to pinpoint the
24 numbers exactly but that totals in hundreds,
25 you know, to weekly schedule of things.

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 Q. Now, do you know on average how
3 many kitchen countertop installations that All
4 Granite installs in a week?

5 A. In a week? Well, we install
6 between 30 and 50 countertops daily. Between
7 three locations. So weekly what's that?

8 Q. 180 to 300?

9 A. 300. 250.

10 Q. 200 to 300 would be approximate?

11 A. Um-hum. That would be a good
12 number, yes.

13 Q. And of these installations how
14 many would you say include the installation of
15 a sink?

16 A. The installation -- all of them.

17 Q. Okay. How many of these would
18 include the installation of a sink provided by
19 All Granite?

20 A. Percentage-wise?

21 Q. Yes.

22 A. I would say 40 percent. 50/50,
23 maybe. 60/40. Forty percent being our sink.
24 Something like that.

25 Q. So if you're doing 2- to 300 sinks

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 a week, four weeks in a month, so that's 800
3 to 1,200 sinks in a month?

4 A. Yes, um-hum.

5 Q. And 50 percent of that would be
6 400 to 600 sinks.

7 A. Um-hum.

8 Q. Being installed -- being provided
9 by All Granite?

10 A. I believe so. I can't calculate
11 that -- from the top of my head that sounds
12 right.

13 Q. Okay. Do you know how many
14 kitchen sinks, stainless steel kitchen sinks
15 All Granite keeps in inventory?

16 A. Right now?

17 Q. Yes.

18 A. Between all the types, we have
19 around 5,500, 6,000. The last time I checked
20 probably three weeks -- during the litigation
21 I just wanted to know what we have left. It
22 was 6,000 -- around 6,000. 5,800. Something
23 like this.

24 Q. And do you know how many different
25 types of stainless steel kitchen sinks All

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 Granite sells?

3 A. Three types.

4 Q. And what are those types?

5 A. Straight rectangular shaped,
6 D-shaped, and then double bowl.

7 Q. And the 6,000 or so sinks in
8 inventory, those are across those three --

9 A. Across those -- right.

10 Q. And where are these things kept in
11 inventory?

12 A. In Ridgefield Park.

13 I'm sorry. In South Plainfield.
14 What am I talking -- in South Plainfield,
15 yeah. We have a warehouse there basically
16 that we keep all these things.

17 Q. Is that connected to the granite
18 warehouse?

19 A. To the granite warehouse, correct.
20 It's a little bit to the left-hand side. In
21 Ridgefield Park there is not enough space for
22 the fabrication. We need -- that's why we
23 purchased that building. But now it's about
24 being worked on so nothing is there yet.

25 Q. So the building that you purchased

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1 **R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**
2 that's going to include fabrication plus
3 marketing or --

4 A. Yes. It's a two-story warehouse.
5 So my offices will be on the second floor.
6 And on the first floor we're going to
7 create -- we're going to stack marble because
8 they cannot stay for a long time on the
9 outside because they will deteriorate. And we
10 will create a fabrication section in there and
11 also the rest will be warehousing of the
12 marble.

13 Q. And when was that property
14 acquired? Or is it in the process or --

15 A. Well, it's been acquired. Two
16 months ago I think. Approximately.

17 Q. And that's located in Ridgefield
18 Park?

19 A. Right next to our current
20 location. Next to the building.

21 Q. And who's responsible for ordering
22 the sinks that All Granite & Marble provides?

23 A. Our import manager. And me pretty
24 much. The way it happens when we know the
25 stock diminishes then Blaze and Lucas who are

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1 **R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**

2 Q. Do they come in individual
3 cardboard packaging or something else?

4 A. No, they are actually packaged in
5 the crates, wooden crates, and they're stacked
6 one on top of each other. Sort of like they
7 go one in the other. And in between there's
8 like a paper or some barrier so they don't
9 scratch each other and they're wrapped in
10 paper. And that's pretty much how it is.

11 MR. MALTBIE: Take a short break?

12 MR. CHIDO: Absolutely.

13 (Recess taken.)

14 BY MR. MALTBIE:

15 Q. Mr. Deja, I'd like to show you
16 what's previously been marked as Defendant's
17 Exhibit 70.

18 A. Um-hum.

19 Q. Which appear to be a collection of
20 ads for All Granite that appeared in the
21 Clipper coupon circular.

22 A. Okay. Um-hum.

23 Q. Now, these types of coupon
24 circulars, is that one of the means of
25 marketing All Granite that you use?

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1 **R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**

2 constantly in the warehouse, they'll call me
3 and they'll say, Robert, you know, we need
4 this or we need that. And then I will talk to
5 Martin and let him order whatever we need.

6 Q. And do you know how -- how are the
7 sinks --

8 A. Or I will just say, Blaze, you can
9 call up Martin and tell him to order it.

10 Q. Have you set it up in such a way
11 that you're constantly reordering or have you
12 built in a fairly sizable inventory for
13 yourselves?

14 A. Well, the way it works I guess we
15 would like to obviously purchase the sinks for
16 the best price possible so we order larger
17 quantities. And those quantities are enough,
18 you know, to create a pretty solid stock. We
19 don't go, you know, 100 sinks and then 100
20 sinks. We order container of sinks. And that
21 allows us to keep going for a while.

22 Q. And do you know how those sinks
23 are shipped to All Granite? What kind of
24 containers they come in?

25 A. They come in containers.

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1 **R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**

2 A. That is correct, yes.

3 Q. And if you look at the second page
4 of this exhibit.

5 A. (Witness complies.)

6 Q. Have you ever seen this document
7 before?

8 A. Yes.

9 Q. And what is this document?

10 A. That's our ad. That's a Christmas
11 issue, actually.

12 Q. Okay. And it's Christmas because
13 of the --

14 A. Right. A little bit of the
15 Christmas theme here. The green kitchen
16 countertop, a little bit of the pine thing on
17 there.

18 Q. And who's responsible for creating
19 these ads?

20 A. Les Truchel, our graphic designer.
21 And me. I'm overseeing his work.

22 Q. And how much does it cost to run a
23 full-page ad in the Clipper?

24 A. For one zone -- they have
25 different zones. We do a lot. So our bill

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 for Clipper I can tell you monthly more or less
3 what it costs us to run page. Around \$40,000.

4 Q. And that's just for the Clipper?

5 A. Just for the Clipper.

6 Q. And that's across the different
7 zones. They cover the metro New York area?

8 A. Correct. They have multi zones,
9 regional zones, so we are combining certain
10 zones to create proper coverage area which is
11 New Jersey, parts of New York, and parts of
12 Pennsylvania.

13 Q. So if you look at the first page
14 of this exhibit it says The Westchester
15 Suburban Edition.

16 A. Correct.

17 Q. So this would be a zone covering
18 Westchester?

19 A. Correct. And the same ad with a
20 different address, different phone number.
21 Morris County edition. And different in
22 Pennsylvania edition. Same graphics though.

23 Q. So when I receive mine in Rockland
24 it will have the Ridgefield Park address?

25 A. Correct.

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 Q. And is that something that was
3 common to the granite fabrication business or
4 something --

5 A. Not really. Not really. I just
6 basically came across the idea of direct mail
7 mass mailings and wanted to test it out. It
8 came out well so we continued doing it,
9 developing, growing different applications.

10 Q. Well, specifically with respect to
11 the free sink promotion, is that something
12 that's common to the granite fabrication
13 business?

14 A. It became common. We started it
15 and we're a big company. People copy us.
16 People take examples of what we do. So
17 sometimes we have our ads copied like point by
18 point. So right now I know is that -- most of
19 the fabricators with the showrooms, they offer
20 free sinks and they also display coupons in
21 their ads.

22 Q. And is there anything about the
23 coupon that would allow you to track for
24 marketing purposes where this ad appeared or
25 where you're having the most success with this

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 Q. And is there some mechanism for
3 you to track which of these publications this
4 ad appeared in?

5 It's a question that I think is a
6 question too soon. Let's step back a little
7 bit.

8 There's a coupon portion of this
9 ad, correct?

10 A. Correct.

11 Q. And what's this coupon for?

12 A. Well, that's for our customers so
13 they can provide us with a coupon in the
14 showroom and get a free sink and a free
15 granite cleaner with the circular.

16 Q. And do you recall how long has All
17 Granite been running a promotion like this
18 involving free sinks?

19 A. It's been a while. It's been a
20 while. Maybe 2004 I would venture. The
21 oldest -- I would have to go back but that
22 sounds about -- 2004, 2005.

23 Q. And is that something that you
24 started or you instituted?

25 A. Um-hum.

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 type of coupon?

3 A. Yes. There is a code here.

4 Q. Referring to the lower left
5 corner.

6 A. Correct. And right upper corner.
7 CL 984. CL means Clipper Magazine. 984 --
8 that's basically the issue number I guess.
9 September. And that's the zone. That's the
10 book indication.

11 Q. The book number or something?

12 A. Um-hum, the book number.

13 Q. And is that information that's
14 important to you as the marketing manager?

15 A. Yeah.

16 Q. And what instruction do you give
17 your salespeople with respect to collecting
18 and handling these coupons?

19 A. See, they should collect the
20 coupons. The problem is they never do.
21 That's the first question that I want the
22 salespeople to answer the client is how did
23 you hear about us. And in our database they
24 have like a pull-out menu that they have to
25 select, you know, Clipper Magazine, Internet,

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 blah, blah, blah, blah. And so forth. And if
3 they don't do it, they cannot proceed with the
4 creation of the account.

5 Q. Right.

6 A. So that is the most important
7 thing for us to really go by. And then we
8 compare that to the data Internet tracking
9 we're using Google Analytical and Net Track
10 for that. And through those two sources we
11 can pretty much tell.

12 With the coupons it's hard because
13 sometimes the customer brings the coupon into
14 the showroom and offers it at the time of
15 estimate. Sometimes the coupon is present at
16 the job site when the templater comes in so
17 these get lost and are not reliable data.

18 So I'd rather have every client
19 who comes over, first question, how did you
20 hear about us. And then that's the most
21 important because if they don't do it they
22 cannot create the account. They cannot
23 proceed with the creation of the order.

24 Q. Well, do you provide any specific
25 instruction to your salespeople with respect

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 to how to handle these coupons?

3 A. Not really. They just -- I told
4 them to gather them. But, as I said, it was
5 so hard to execute it that at a certain point
6 we just dropped the idea. And, you know, we
7 didn't look at it pretty much. And it's far
8 easier for me to look at our database how many
9 customers I'm getting from Clipper on the
10 sheets of the reports than to really chase the
11 locations for the coupons and count them or,
12 you know -- so...

13 Q. And where is the information with
14 respect to I guess the referrals, where is
15 that kept? Is that kept in the computer
16 system?

17 A. Yes, um-hum. It's part of our
18 database.

19 Q. So what would you say is the
20 largest referrer of customers to All Granite?

21 A. Internet.

22 Q. Now, do you -- or have you
23 provided any instruction to your salespeople
24 with respect to requiring a coupon such as
25 this to be presented in order to provide the

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 customer with a free sink?

3 A. I'm sorry. I got lost.

4 Q. I'll put it another way.

5 Are customers required to present
6 a coupon like this to get a free sink from All
7 Granite?

8 A. Yes. Generally, yes.

9 Q. And are the salespeople generally
10 informed of that requirement?

11 A. Yes.

12 Q. Now, on this specific coupon on
13 AGM 123 it says All Sinks Free, \$360 value to
14 \$540 value.

15 Do you know what these values are
16 based on?

17 A. Um-hum. These are really
18 approximate values. At some point we've been
19 running an ad, free sink offer or something
20 like that. And then I felt that the sinks are
21 not really that much of a value for us. We
22 can give away not one sink but two sinks with
23 the order if the clients need that kind of
24 requirement, if they do have two sinks in a
25 kitchen. And it turned out that we attracted

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 some of the contractors that way. Because

3 when the contractor is building a new
4 construction house he's coming over to us for
5 granite for all the rooms. The bathroom
6 vanity tops, you know, maybe Jacuzzi surround,
7 fireplace, and then kitchen. Kitchen in
8 larger modern home, they very often have a
9 sink in the island or two sinks, especially
10 Jewish families. And if something like that
11 happens I want them to get all the sinks for
12 free. Even if that means two bathroom vanity
13 top sinks and two kitchen sinks and we took
14 the value of the sink and you just multiplied
15 it and obviously we could put here \$1,000
16 value if somebody comes over and gets four or
17 six bathroom sinks and two kitchen sinks. But
18 that happens so rarely we just thought it
19 would be more reasonable to put the maximum
20 value. You know, so the Jewish family may
21 think it's like getting two sinks for free.
22 It's approximate. That's why it says all
23 sinks free and that's why we decided to
24 include different kinds of sinks on the
25 photograph. On the previous ads.

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2 Q. Just to clarify, so 360 to 540,
3 those are supposed to represent values for a
4 multiple number of sinks?

5 A. Multiple number of sinks, right.

6 Q. Is there any way that the customer
7 would know that by looking at this
8 advertisement?

9 A. Eh, not really. It's not really
10 important. I mean, 360 that's a combined
11 value of a porcelain sink and the double bowl.
12 Larger sink. You know, and 540, that's, you
13 know, two kitchen sinks pretty much. That's
14 the way we thought about it.

15 Q. But --

16 A. Those numbers are not really
17 important. You know, it's something that --
18 marketing gimmick in a way.

19 Q. Well, just indulge me then.

20 A. Um-hum.

21 Q. Where are you getting the values
22 that you're combining to reach 360 and 540?
23 What are those values based on?

24 A. 360 and 540?

25 Q. Yes.

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2 A. Well, the way I said it. 360 is a
3 combination of the value of the porcelain
4 sinks and the kitchen sink. And that's how we
5 wanted to start. And then 540 is something
6 more like two stainless steel sinks for a
7 kitchen. You now, like, they sometimes have
8 dedicated sink for, like, kosher food and then
9 non-kosher. Both are double bowls. So that's
10 around \$500. If you wanted to purchase it at
11 Home Depot it would be probably \$600 maybe.
12 So something less than that but still for both
13 sinks.

14 Q. So you're basing these values upon
15 what the sinks would have cost on the open
16 market or something else?

17 A. We do not price our sinks the way
18 Home Depot does. We want to come across as a
19 little bit more affordable even than Home
20 Depot. So our value -- let's say their double
21 bowl sink is 300, we would value our sink
22 \$200. So it's like below that to show the
23 customer that he's getting a good value. You
24 know, so he can notice that for that price
25 it's a very good product and he's getting

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 something, you know, for free.

3 Q. But you've never sold one of your
4 sinks for 200 or \$300, have you?

5 A. No. We never sold any of the
6 sinks.

7 Q. And have you ever advertised for
8 sale any of the sinks that you install?

9 A. No. No, never. Never.

10 Q. Now, was there a time when All
11 Granite ever installed -- strike that.

12 Was there a time when All Granite
13 ever purchased third-party manufactured sinks?

14 A. Like Artisan sinks?

15 Q. Yes, correct.

16 A. Um-hum. From Artisan.

17 Q. And was there any other companies
18 that you purchased sinks from?

19 A. Not really. We had some Kohler
20 sinks. The bathroom sinks. But these were
21 purchases -- just very small quantities. We
22 had couple of customers who came over to the
23 countertops, the expensive ones, like Blue
24 Bahia, \$30,000 granite. You know, vanity
25 tops. So we wanted them to get like premium

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 sinks, but that's about it.

3 Q. Do you carry Kohler sinks in
4 inventory?

5 A. We have -- just as I said, we have
6 couple of pieces in stock. If we notice it's
7 customer that's worth it we will give it to
8 them, so to speak.

9 Q. Other than Artisan are there any
10 other brands of sinks that All Granite has
11 ever carried?

12 A. From other third-party
13 manufacturers?

14 Q. Correct.

15 A. No.

16 Q. And do you recall when All Granite
17 carried Artisan sinks?

18 A. I think from 2003. 2004.
19 Something like that.

20 MR. MALTBIE: Let's have marked as
21 Plaintiff's Exhibit 10 a series of
22 documents produced by Artisan in this
23 matter, Bates stamped ART 00193 through
24 ART 00213.

25 (Plaintiff's Exhibit 10, document

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 bearing production numbers ART 00193
3 through ART 00213, marked for
4 identification as of this date.)

5 BY MR. MALTBIIE:

6 Q. If you could actually just look
7 back to the All Granite coupon.

8 A. Um-hum.

9 Q. Have you ever had a customer ask
10 you about the values that are listed in the
11 coupon?

12 A. There are rare occasions that the
13 customer inquired about the value.

14 Q. And do you recall what you told
15 them or --

16 A. Pretty much the same thing. You
17 know, that these are -- if you have two sinks
18 for a bathroom vanity we'll gladly give you
19 the second sink for free and that represents
20 the value pretty much.

21 Q. Okay.

22 A. That's why we did not put any
23 range -- you know, single number. Just a
24 range.

25 Q. And how about have you provided

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 the salesperson will always throw in the sink
3 if that's --

4 A. Yeah. That's pretty much it.
5 What I'd like to do, we have one of the guys
6 that I do the coupons with, Super Coups,
7 roughly, he brings in a pile of coupons and I
8 leave it in the showroom. They will throw the
9 sink in for free, they'll grab the coupon, and
10 show them and just hand it in. And we do the
11 same thing with the cleaner.

12 Q. Okay. Now, just looking at what's
13 been marked as Plaintiff's Exhibit 10, this
14 document here, I'll represent to you that this
15 is a collection of invoices from Artisan
16 Manufacturing Corp. to All Granite
17 beginning -- or the first one dated 10/27 2003
18 and the last one dated June 2nd, 2006. And,
19 to your knowledge, does that sort of cover the
20 time period that you're aware of when All
21 Granite was purchasing Artisan sinks?

22 A. Yes.

23 Q. And throughout this period, from
24 October 2003, do you know if all of the sinks
25 purchased by All Granite were given away to

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 any instruction to your sales force with
3 respect to these coupons and the values on the
4 coupon?

5 A. The salespeople, they know pretty
6 much one thing, that they should give the
7 sinks for free. And if the customer does not
8 have the sink -- I mean, the coupon, typically
9 what they do, they inform the customer, you
10 know, you should look for a coupon in a
11 Clipper Magazine, or sometimes, you know,
12 where there is a bargaining going on about the
13 price, maybe the product seems to be a little
14 bit more expensive, they will use it -- you
15 know, they will just say I will throw this in
16 for you for free. Something like that.
17 That's why sometimes even the customer does
18 not have a coupon, they just throw it in.

19 Q. Are you aware of any situation
20 where a customer did not have a coupon and
21 they were charged for a sink?

22 A. Charged for a sink?

23 Q. Yeah.

24 A. No.

25 Q. So is it the case that ultimately

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 consumers as part of a sink promotion?

3 A. Yes, um-hum.

4 Q. So none -- so All Granite has
5 never sold an Artisan sink; is that correct?

6 A. Not that I know of.

7 Q. Is there anyone else who would
8 know the answer to that question?

9 A. No, I don't think so. No.

10 Q. Do you recall if Artisan provided
11 any training with respect to its sinks?

12 A. I don't remember.

13 Q. And do you recall ever contacting
14 or being -- I'm sorry.

15 Do you recall ever being in
16 contact with anyone from Artisan?

17 A. I remember I met somebody a couple
18 of months back in the summer. Some salesman.
19 And he talked to me about sinks like we
20 discussed it.

21 Q. You're talking about the summer of
22 2007?

23 A. Yes, yes.

24 Q. This past summer.

25 A. Um-hum.

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 Q. So back in the 2003 period when
3 the first order for Artisan sinks was made do
4 you recall who was in contact with Artisan at
5 that point?

6 A. It might have been me but I just
7 can't remember. So many different things and
8 it's been a while. Must have been me but I
9 just don't know the contact moment.

10 Q. Okay. The first invoice from
11 October 2003 lists Richie Wojtach.

12 A. Right.

13 Q. Is that the owner of the company?

14 A. Yes. He goes by the name Richie.
15 His real name is Jaroslaw. Richie is easier.

16 Q. So you don't have any specific
17 recollection with respect to the order of six
18 Artisan sinks in October of 2003.

19 A. No.

20 Q. And then the next -- if you look
21 at the next invoice, it's from November 2004.

22 A. Um-hum.

23 Q. Do you see that?

24 A. Um-hum.

25 Q. And this is actually for a much

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2 somewhat consistent basis. And into early
3 2006. With the last order in this group being
4 placed in June of 2006.

5 Do you see that on the last page?

6 A. Um-hum.

7 Q. Do you have any specific
8 recollection with respect to the order of a
9 hundred Artisan sinks in June of 2006?

10 A. Un-huh.

11 Q. And at this point in time, in June
12 2006, are you fairly certain that the free
13 sink promotion was going on at All Granite?

14 A. Yes. Yes.

15 Q. And at this point in time, in June
16 2006, was Artisan the only brand that All
17 Granite was installing in customers' homes?

18 A. I think so. Um-hum.

19 Q. Now, at some point All Granite
20 decided to manufacture its own sinks; is that
21 correct?

22 A. Correct.

23 Q. Do you know whose decision that
24 was?

25 A. That was my decision.

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2 more sizable order, about 300 sinks, two
3 different styles, and a sink strainer.

4 Do you see that?

5 A. Um-hum.

6 Q. And do you have any recollection
7 with respect to the order of Artisan sinks in
8 October of 2004?

9 A. No.

10 Q. Does the November 2004 date
11 correlate with your recollection of when the
12 free sink promotion began for All Granite?

13 A. I think that might be -- yeah,
14 that might be -- yeah. It might be that time.
15 It might be the time. Exactly. 2004.
16 Um-hum.

17 Q. Do you recall if All Granite ever
18 carried Kindred sinks? Kindred brand sinks?

19 A. I don't think so. I can't recall.

20 Q. So prior to -- say prior to
21 November of 2004, did All Granite offer any
22 sinks with respect to its installations?

23 A. No.

24 Q. Flip to the end of the pages. It
25 appears there's orders throughout 2005 on a

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2 Q. And do you recall when you made
3 that decision?

4 A. I believe that was at the end of
5 2006. Maybe a little bit earlier. You know,
6 it would probably coincide with the last order
7 here a little bit. You know, it took us some
8 time probably to get a pinpoint but after that
9 last order we decided to carry our own line of
10 sinks.

11 Q. Okay. And do you recall why that
12 decision was made?

13 A. Well, mainly I guess the reason
14 for it is was no brand recognition. I talked
15 to salespeople and they basically informed me
16 that when the customer comes in and they show
17 him Artisan sinks they ask, And what is this,
18 Artisan. And they explain it's a brand. And
19 we felt that we're paying premium, you know,
20 for a brand name and the customer does not
21 recognize that brand name. So we decided that
22 if the customer does not recognize the brand,
23 there is no brand awareness, then we can just
24 purchase the sinks with no brand and at least
25 save some money on it. Pretty much that was

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 the main reason.

3 Q. And were you involved in deciding
4 what particular sizes and dimensions of sinks
5 to order?

6 A. Yes, um-hum.

7 Q. And which sizes did you decide to
8 order?

9 A. You know, we pretty much know
10 what's popular, what clients want. And we've
11 been buying from Artisan pretty much like two
12 different kinds, I think. Maybe three
13 different kinds. And pretty much the same
14 ones we ordered. You know, we were checking
15 on some other styles but they turned out to be
16 not practical for various reasons.

17 Q. So you mentioned earlier that you
18 currently carry three styles of stainless
19 steel sink?

20 A. Correct.

21 Q. Was there a period of time when
22 you carried more than three styles?

23 A. Not really. We had couple of
24 samples and we were testing them out so to
25 speak, but it very soon became apparent that

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 Plainfield. And they show it to the customer.

3 Q. So does this sheet represent only
4 the sink styles available through South
5 Plainfield?

6 A. No. The three styles are
7 available in all locations.

8 Q. Okay. And the four styles that
9 are indicated as out of stock, are those --

10 A. These are the styles that we
11 eliminated.

12 Q. Okay.

13 A. See, like this one is 36.93, it's
14 just too big. It's just plain too big. And
15 that's too deep. That's not practical at all.
16 People don't use it much.

17 Q. Do you know where the style
18 numbers came -- strike that.

19 Do you know where the style
20 numbers for these sinks come from?

21 A. We just made them up. I think
22 Alex did. Typically how we refer to those
23 sinks is rectangular, D-shaped or double bowl.
24 But they wanted to have something so the
25 customer could know the style number. Not

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2 it's not -- you know, the 37 inch sink double
3 bowl was too big. Because the typical cabinet
4 is 32 inches, so if we decide to carry that
5 sink we will have lots of problems. So we
6 dropped the idea. The other was rectangle.
7 Sometimes the customer decide to go with an
8 inch and quarter back splash at the back. So
9 again, problem. So we eliminated the
10 problematic ones and we stayed pretty much
11 with the three that we carry right now.
12 D-shaped, rectangular and double bowl.

13 Q. Let me show you what's previously
14 been marked as Plaintiff's Exhibit 1.

15 A. Um-hum.

16 Q. Let me direct your attention to a
17 page in this exhibit, ART 00027.

18 A. Um-hum.

19 Q. Have you ever seen this document
20 before?

21 A. Yes.

22 Q. And what is this document?

23 A. Well, that's like a sheet with the
24 sink specs that when the customer requested it
25 to know the exact sizes, they had in South

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 just a common description of it. So they came
3 up -- I think it was Alex.

4 Q. Alex at South Plainfield?

5 A. Um-hum. Um-hum.

6 Q. And, again, on this sheet here,
7 there are some dollar values indicated next to
8 the various sinks. Do you know what those
9 dollar values correlate to?

10 A. Yeah. That's a value of the sink.
11 That is what we think that sink is worth. In
12 other words -- yeah, that's a value that the
13 customer gets.

14 Q. But you've never sold -- actually
15 sold any of these sinks for those prices?

16 A. No, no. I think it says on the
17 coupon that it's -- no cash redemption value.

18 Q. Right. So were you involved in
19 the process of ordering the All Granite sinks
20 from the manufacturer?

21 A. Um-hum.

22 Q. And how were you involved? What
23 did you do in that process?

24 A. Well, typically, how it -- you
25 mean from the beginning?

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2 Q. Yeah, please.

3 A. Okay. Well, we researched the
4 market and there are various websites that you
5 can get in touch with China manufacturers and
6 we checked couple of different options. And I
7 guess the friend suggested the manufacturer of
8 these sinks and we send an e-mail and received
9 some samples. We're a big company. Serious
10 business in China looks at our website and
11 knows we're not going to run away so they like
12 doing business with us. And then we place the
13 first order.

14 Q. And was this a company that was
15 already in the business of manufacturing
16 stainless steel sinks?

17 A. I believe so, um-hum.

18 Q. And did you provide specifications
19 regarding the sinks that you wanted to them or
20 was this something from --

21 A. Well, we asked them what kinds of
22 sinks they have in their offer and they
23 provided us with samples and those samples --
24 those sinks, we looked at them, all of them,
25 and out of those sinks we eliminated those not

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 practical and we placed the order for the ones
3 we wanted to.

4 So before placing a huge quantity
5 order we were able to touch the real product
6 and know it's good enough for us. The price
7 was good so...

8 Q. And with respect to any remaining
9 inventory of Artisan sinks do you know where
10 those sinks were kept?

11 A. I don't remember. I could venture
12 a guess that they would be held in South
13 Plainfield, but I'm not sure.

14 Q. Do you have any recollection with
15 respect to when the inventory of those sinks
16 was used up?

17 A. I think it must have been
18 December, maybe. December or January.

19 Q. Of '06?

20 A. Of '06.

21 Q. '06 and '07?

22 A. '06 and '07. Something like that.

23 MR. MALTBIE: Let's mark as
24 Plaintiff's Exhibit 11 documents -- it's
25 actually -- Jon, it's okay to show

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 confidential attorneys' eyes only
3 documents?

4 MR. CHIODO: Absolutely.

5 MR. MALTBIE: Documents Bates
6 stamped AGM 0035 through 0040.
7 (Plaintiff's Exhibit 11, document
8 bearing production numbers AGM 0035
9 through AGM 0040, marked for
10 identification as of this date.)

11 BY MR. MALTBIE:

12 Q. Mr. Deja, if you could take a look
13 at what's now been marked as Plaintiff's
14 Exhibit 11 and I guess starting with the first
15 page, could you tell me have you ever seen
16 this document before? These documents?

17 A. Yes.

18 Q. And what are these documents?

19 A. That's an invoice for the
20 shipments of sinks that we ordered from our
21 manufacturer in China.

22 Q. And am I correct in my reading of
23 this collection of documents that there are
24 actually three different orders included here?

25 A. Correct.

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 Q. The first being for a shipment of
3 2688 sinks, style number 2317 on --

4 A. That's actually not the first one.

5 Q. Okay.

6 A. The first one is on January 10.

7 Q. Okay. So you're looking at the
8 last --

9 A. The last, right. That was the
10 first one.

11 Q. The last two pages of the exhibit
12 reflect the first purchase.

13 A. Correct. The packing list and the
14 same date. Yeah, um-hum.

15 Q. So that was January 2007; is that
16 correct?

17 A. Yes.

18 Q. And this first order in time is an
19 order for 576 sinks, model number SU 12321A
20 and SU23120B, that second style being 2,796
21 units; is that correct?

22 A. Correct.

23 Q. Do you know whose model numbers
24 those products are?

25 A. These are manufacturer's model

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 numbers.

3 Q. Do you know how they arrived at
4 those model numbers?

5 A. I may venture a guess that that's
6 dimensions. Twenty-three inches by 21 inches
7 mean that's a double bowl.

8 Q. And the next -- if you flip back
9 to I guess the first two pages, there's an
10 issue date of April 10th, 2007.

11 Do you see that?

12 A. Yes.

13 Q. Would this be the second order?

14 A. That's the second order.

15 Q. And this is for 2,300 and -- I'm
16 sorry. 2,688 units of model number SU12317A.

17 A. Yes.

18 Q. Correct?

19 A. Um-hum.

20 Q. And then in the middle of the
21 exhibit there's a third order issued on April
22 23rd, 2007; is that correct?

23 A. Correct.

24 Q. And this is for --

25 A. May 23rd.

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2 A. Mr. Schroeder?

3 MR. CHIODO: Glenn.

4 A. Oh, Glenn. I'm sorry. I would
5 think that that's the right number, um-hum.

6 Q. And --

7 A. Yes, um-hum.

8 Q. Could you tell me how you arrived
9 at that number of installations?

10 A. We just calculated what we have in
11 our warehouse left and we subtracted from the
12 amount of the invoices.

13 Q. And just looking at again the
14 next-to-the-last page of this exhibit, there's
15 a handwritten notation that says Received,
16 March 2007.

17 Do you see that? On the last
18 order. The earliest order in the time. The
19 last --

20 A. The earliest -- okay.

21 Yes.

22 Q. And do you recall, in fact,
23 receiving this first shipment in March of
24 2007?

25 A. Um-hum.

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 Q. I'm sorry. Did I say -- May 23rd.

3 For 1,992 pieces of model number
4 SU3120B2 and 2,865 units of SU2321A2.

5 A. Um-hum.

6 Q. And are you aware of any other
7 orders from the Chinese manufacturer?

8 A. No.

9 Q. Is there anything pending or on
10 the --

11 A. One order is pending.

12 Q. Has that order been placed or --

13 A. That order has been placed but
14 it's sort of on hold because actually we
15 placed it right before the litigation so it's
16 still in China and we don't know...

17 Q. So by my rough calculation we have
18 something like over 9,000 sinks that have been
19 ordered?

20 A. Correct, um-hum.

21 Q. And I believe that in connection
22 with this litigation I received a letter from
23 Mr. Schroeder indicating that approximately
24 1,900 to 2,000 sinks have been installed. Is
25 that correct?

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2 Q. And do you recall then -- sorry.

3 Do you recall there being any
4 period of time between March of 2007 and some
5 later point that it took to get these sinks
6 actually to the South Plainfield location? Or
7 does the March 2007 reflect receipt at South
8 Plainfield?

9 A. Yeah. Because in the Ridgefield
10 Park we don't have space. I mean, at all. We
11 can't fit anything in there. So we only keep
12 stock of sinks for, you know, weekly basis.
13 And all the shipments, they come straight to
14 South Plainfield from the pier.

15 Q. Okay. So beginning I guess at
16 least in March 2007, you had your own
17 privately manufactured sinks that became part
18 of the sink promotion run by All Granite?

19 A. That is correct, yes.

20 Q. At this time were there any
21 designs or logos placed upon these sinks?

22 A. No.

23 Q. Did there come a point in time
24 when logos or designs were placed on the
25 sinks?

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A. Um-hum.

Q. And when was that?

A. I think it was the next shipment.
So starting from July we had a logo I think
May, May, May.

Q. The April shipment?

A. Right.

Q. But the first shipment --

A. Hold on just one second. I'm
getting confused.

Oh, yeah. No, no, no. That was
the moment that we -- the first shipment was
with no logo and the first was January 10th.
And the one from April. The one -- this one,
yes.

Q. The one from April had logos?

A. Um-hum. Had logo.

Q. And how about the one from May?

A. Yes. As well. From now point --
from that point time the logo appeared on the
sinks.

Q. And whose decision was it to put a logo on the sinks?

A. That was my decision.

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R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**Q. And what led you to that decision?**

A. Well, since we've been giving away
sinks, you know, with no logo at all I think
that it would be nice to start running our own
line of sinks because, you know, when the
customer sees something that has no logo at
all it means no brand. It automatically is
associated with less value, no brand at all.
If there is something, people don't think
about no brand anymore. So it was pretty much
it.

Q. So when you say you were installing sinks that had no logo on them at all, you're referring to the sinks that were received as part of the first shipment.

A. Correct.

Q. So the ones that were received in March, correct?

A. Yes.

Q. So then by April 10th you had decided that you should be installing sinks that have logos on them.

A. Correct, um-hum.

Q. And just going back to your

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**comment about the reason why you decided to
manufacture your own sinks was because you
didn't think the Artisan brand had a value.**

Does your testimony with respect to putting your own logo on affect or alter that testimony?

MR. CHIODO: Objection to the
form.

A. No. I wouldn't say so. The
reason why we decided to stop buying sinks
from Artisan is because we felt that we pay
extra premium for a brand and there was no
brand really. There was no brand recognition
among the customers.

We thought that introducing our
brand is not going to put us in any better or
worse position but we will be able to get a
better value for the customer because we were
paying less for the sinks. So there is no
advantage on our part buying from Artisan and
there is advantage of having a sink with our
own logo for half the price.

Q. And with respect to the advantages versus disadvantages, were you of the opinion

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**or are you of the opinion that the sinks that
you ordered from your manufacturer were
equivalent in quality to Artisan brand sinks?**

A. In my opinion they're very
comparable in terms of the quality.

Q. Do you know if the specifications of the sinks are similar or identical?

A. They're similar. They're similar.

Q. What's similar about them?

A. Well, they're both stainless
steel. The quality of the finish is very much
the same. The sound deadening pads are
similar. And I guess Artisan is a little bit
better in terms of the sound protection. But
overall we tested it out. We gave it to the
test. Our customers, they saw our sink and
they liked it. And they had nothing, you
know, against it. And we determined that
pretty much if somebody's getting a sink for
free, unless it's Kohler, you know, or maybe
Elkay, Franke, some brand names that people
really do recognize, that's not going to
change anything.

So between us and Artisan there

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
 2 wasn't that brand awareness that would -- I
 3 mean, if the customers -- if they do come to
 4 my showroom and they say, okay, I like that
 5 sink, I heard about it, then I can see the
 6 value and then I can, you know, maybe throw it
 7 to larger orders or whatever.

8 But having a sink that people do
 9 not recognize at all, and the question I hear
 10 repeatedly is what is this, that was -- you
 11 know, that just didn't add up for us at that
 12 time and we decided to just do our own brand.

13 Q. Do you know if the Chinese
 14 manufacturer for the All Granite sinks was
 15 familiar or aware of Artisan brand sinks?

16 A. I don't know. I have no idea.

17 Q. Do you recall if you provided any
 18 specifications for Artisan brand sinks to the
 19 manufacturer?

20 A. No.

21 Q. Do you know what gauge stainless
 22 steel the sinks that are manufactured for you
 23 by your Chinese manufacturer are?

24 A. I think it's 18. Either 17 or 18.

25 But I think 18.

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
 2 Q. Do you know what the depth is for
 3 this sink?

4 A. I would guess nine inches. But I
 5 don't know. It's very hard to read.

6 Q. And just -- sorry.

7 A. It should be nine I think.

8 Q. With respect to accessories it
 9 says cutting template and clips. What are
 10 those things, if you know?

11 A. Cutting template, that's template,
 12 cardboard template of the shape of the inside
 13 cutout of the sink. And the clips are pieces
 14 of metal with a screw that you use to attach
 15 the sink to the granite.

16 Q. Is that something that All Granite
 17 uses to attach its sinks to granite in
 18 installations?

19 A. Not really. We don't use clips.

20 Q. What do you use?

21 A. We have our own method of
 22 installing the sink. See, the problem -- they
 23 came up with the clips in time where granite
 24 countertops were not really popular. And the
 25 majority you had was Formica and Corian. The

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 MR. MALTBIIE: Let me mark as
 3 Plaintiff's Exhibit 12 a document
 4 produced by All Granite bearing Bates
 5 stamp numbers AGM 0041 through AGM 0043.
 6 (Plaintiff's Exhibit 12, document
 7 bearing production numbers AGM 0041
 8 through AGM 0043, marked for
 9 identification as of this date.)

10 BY MR. MALTBIIE:

11 Q. Mr. Deja, could you please take a
 12 look at what's been marked as Plaintiff's
 13 Exhibit 12 and tell me if you've ever seen
 14 these documents before.

15 A. Um-hum.

16 Q. And what are these documents?

17 A. These are the spec sheets from the
 18 China manufacturers.

19 Q. And just look at -- I guess go
 20 through the first one or look at the first
 21 page. SU3120B2. I don't know if you can make
 22 it out but it looks like there's three
 23 categories there. Depth, thickness and gauge.

24 Do you see that?

25 A. Yes.

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 clip, the screw can easily be screwed into the
 3 Formica, but in a granite you're not going to
 4 be able to screw it. To attach the screw you
 5 have to drill in the granite. And then you
 6 have to either attach the screw with the akimi
 7 or press a wooden bolt in there. If you were
 8 going to try to press -- drill the screw in
 9 the granite, the granite may crack.

10 By drilling into the granite
 11 you're weakening the granite as well. And
 12 there are some cases, some instances where
 13 surface cracks, you know little cracks on the
 14 surface may develop so we don't do that,
 15 especially where there is a pressure applied
 16 on the sink, you put a lot of dishes, you
 17 know, pots filled with water, after a while it
 18 may weaken those particular spots. We want to
 19 make it safe for granite. And our method of
 20 installing the sink is really, really good.

21 Q. How can you describe it?

22 A. We have pieces of stone, very thin
 23 slices of stone, and we glue those stone with
 24 the use of akimi glue to the countertop. I
 25 can draw it. What happens, that akimi glue,

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 it hardens like a rock. And then the whole
3 thing becomes glued like a rock, you know.
4 And it doesn't harm the granite in any way.

5 Q. But if you had to remove the sink
6 at some point how would you remove the sink?

7 A. It is possible. And you just have
8 to knock on the piece of granite from the
9 side, you know, with a hammer.

10 Q. Would you risk damaging the
11 granite doing that?

12 A. No. Granite, no. You could
13 damage the sink. You could damage the sink.
14 But if you do it carefully it is possible, you
15 know. But we just find that method to be more
16 safe for granite in the long run.

17 Q. Looking at the third page of this
18 exhibit which is -- I guess this would be the
19 rectangle sink.

20 A. Um-hum.

21 Q. SU2317A1.

22 A. Yes.

23 Q. On the spec chart here indicates
24 it comes in two different depths, eight inches
25 and nine inches. And at least the eight-inch

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 believe you said Alex came up with a number
3 for these sinks -- that he chose something
4 different than the 2321 designation?

5 A. I think the only reason for that
6 was the fact that our import manager is in
7 Ridgefield Park and Alex has no access to the
8 import document so he didn't really know what
9 the -- he never saw those numbers. And he
10 didn't have anything on hand so he had to make
11 something up I guess.

12 Q. Do you know if the numbers that
13 Alex came up with mean anything or --

14 A. No. I don't -- they're
15 meaningless.

16 Q. Now, other than the I guess the 17
17 gauge and I think some 16 gauge sinks that
18 Artisan sold to All Granite, do you know what
19 gauge sinks All Granite has ordered from the
20 Chinese manufacturer?

21 A. I think it was 18 gauge.

22 eighteen -- 17, 18. I think 18 mostly.

23 THE WITNESS: Can we have a little
24 break?

25 MR. MALTBIIE: Sure.

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 depth appears to come in both 18 and 20 gauge
3 stainless steel. Do you see that?

4 A. Yes.

5 Q. Do you know if All Granite ordered
6 any eight-inch depth sinks?

7 A. No.

8 Q. So you only ordered the nine-inch
9 depth.

10 A. Right.

11 Q. Do you know if these model are
12 standard in the industry?

13 A. I don't know.

14 I think -- is Artisan using
15 something similar in sizes, too? I'm not
16 sure. No, I don't want to...

17 Q. Well, let me ask you. I mean,
18 Artisan's D-bowl sink I'll represent to you
19 is -- includes the numbers 2321 in its model
20 number.

21 A. 23 --

22 Q. 21 which is the second D-bowl
23 here.

24 A. Uh-huh, okay. Yeah.

25 Q. Is there any reason why -- I

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 (Recess taken.)

3 MR. MALTBIIE: We can mark as
4 Plaintiff's Exhibit 13 a document
5 bearing Bates stamp AGM 0033.

6 (Plaintiff's Exhibit 13, document
7 bearing production number AGM 0033,
8 marked for identification as of this
9 date.)

10 BY MR. MALTBIIE:

11 Q. Mr. Deja, could you please take a
12 look at what's been marked as Plaintiff's
13 Exhibit 13 and tell me if you've ever seen
14 this document before.

15 A. I can't recall.

16 Q. This appears to be an invoice from
17 Artisan to All Granite in relation to five
18 eight-inch single handle kitchen faucets.

19 Do you see that?

20 A. Yes.

21 Q. Do you recall All Granite ever
22 ordering kitchen faucets from Artisan?

23 A. I do not recall.

24 Q. Does All Granite sell any kitchen
25 faucets?

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